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Attorney General of the State of California
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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHIRLEY V. REMMERT,

Petitioner,

v.

**JAMES P. FOX, District Attorney of San Mateo
County, et al.,**

Respondent.

C 08-01645 CRB

**APPLICATION FOR
ENLARGEMENT OF TIME**

Pursuant to Civil L.R. 7-8 and 7-11, respondent requests a 60-day enlargement of time, to and including October 2, 2008, within which to file an answer to the petition for writ of habeas corpus and provide the relevant state record, as required by the Court's Order to Show Cause. The application is based on the file in this case and the attached declaration of Juliet B. Haley. Respondent has not made any previous request.

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1 Dated: July 29, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
7 Supervising Deputy Attorney General

8
9 /s/ Juliet B. Haley

10 JULIET B. HALEY
11 Deputy Attorney General
12 Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Shirely V. Remmert v. James P. Fox, District Attorney of San Mateo County, et al.**

No.: **C 08-01645 CRB**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 30, 2008, I served the attached

APPLICATION FOR ENLARGEMENT OF TIME;

DECLARATION OF JULIET HALEY IN SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME;

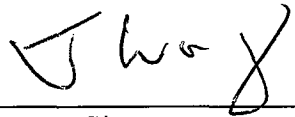
[PROPOSED] ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Shirley V. Remmert
990 Berkeley Avenue
Menlo Park, CA 94025**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 30, 2008, at San Francisco, California.

J. Wong
Declarant



Signature

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GERALD A. ENGLER
Senior Assistant Attorney General
PEGGY S. RUFFRA
Supervising Deputy Attorney General
JULIET B. HALEY, State Bar No. 162823
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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHIRLEY V. REMMERT,

Petitioner,

v.

**JAMES P. FOX, District Attorney of San Mateo
County, et al.,**

Respondent.

C 08-01645 CRB

**DECLARATION OF JULIET
HALEY IN SUPPORT OF
APPLICATION FOR
ENLARGEMENT OF TIME**

I am the California Deputy Attorney General assigned to handle the above-captioned case. Respondent's Answer is due August 3, 2008. I have not previously requested any enlargements of time in this case.

I request an additional 60 days to file a Answer or other responsive pleading for the following reason: Petitioner has filed a brief raising eight claims arising out of a misdemeanor conviction. It appears that no state court record was prepared. In order to respond to the instant federal habeas petition, and to comply with Habeas Rule 5, I need to have the state court proceedings transcribed. I have assigned a paralegal to this task and he has contacted the San Mateo County

1 Superior Court Clerk's Office and requested that that office contact the various court reporters who
2 reported on petitioner's proceedings and order the proceedings transcribed. In my experience this
3 process takes several weeks. Until I have a copy of the record I can not respond to the claims in the
4 petition.

5 For the above-state reasons, I respectfully request that the Court grant Respondent sixty
6 days (60), to and including October 2, 2008, in which to file Respondent's Answer or other
7 responsive pleading.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed this 30th of July 2008, in San Francisco.

10
11 /s/ Juliet B. Haley

12 _____
13 JULIET B. HALEY
14 Deputy Attorney General
Attorney for Respondent

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **SHIRLEY V. REMMERT,**

12
13 Petitioner,

14 **v.**

15 **JAMES P. FOX, District Attorney of San Mateo**
16 **County, et al.,**

17 Respondent.

C 08-01645 CRB

[PROPOSED] ORDER

18 GOOD CAUSE APPEARING, the time for filing an answer to the petition for writ of
19 habeas corpus is extended to and including October 2, 2008.

20 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with
21 the court within thirty days of his receipt of the answer.

22
23 Dated: _____

24 The Honorable Charles R. Breyer